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THE LAW IN BUSINESS PROBLEMS. By LINCOLN FREDERICK SCHAUB and NATHAN ISAACS. New York: THE MACMILLAN COMPANY. 1921. pp. xxxiv, 821.

A conspicuous feature of recent educational activity has been the growth in the number and the popularity of university schools of business. In the best of these schools men who combine with practical information and experience a scholarly knowledge of social science have been endeavoring to work out fundamental principles of business administration. Any such attempt leads immediately to a fuller recognition of the important part played by law in the conduct of business. Hence the surprising number of recent books in the field inadequately if not misleadingly described as business law.

Lawyers are likely to look with suspicion on such books and rightly so if the books are attempts to state summarily legal rules for direct application by laymen. The book under review, however, is not such a book. The authors state that their aim thus: In addition to giving "some understanding of the legal rules governing the more familiar business transactions and business relations," the book is mainly concerned "to show the legal system in its relation to the problems and policies of business administration."

This is something well worth doing and the writers possess unusual competence for such a task. Their book discloses a comprehension of the facts and the problems of modern business rare among lawyer authors, combined with a critical understanding of law even rarer among writers who enter the field from the side of business. The selection of topics for treatment, the arrangement of the material and the emphasis laid on fundamentals all disclose not only independence of thought but also thorough familiarity with both the fields whose interrelations call for the discussion. The book is not an easy book, but it is one which will stimulate as well as inform well prepared and thoughtful students, and one which can be read with profit by all teachers of commercial law, most of all by those whose training has been in the main legal.

The authors' learning sometimes tempts them to include material not strictly relevant to their announced aims nor likely to be helpful to the students for whom the book is designed as a text. Much of the highly condensed material in the introductory part is of this sort. It may further be queried whether the development of the discussion by printing reported cases from English and American courts, a method which increasingly supplants the authors' own direct exposition in the later divisions of the book, will prove successful in practice in most schools of business administration. Whether or not the authors intended the book to be used to train the students in the analysis of court decisions is not entirely clear though the preface and part of the introduction seem to suggest this. But numerous as the cases printed are, the character of the individual cases and the great diversity of the subjects with which they deal, seem to make them valuable only as supplementing auctorial by judicial discussion. The book does not furnish an application of the case method to business law even as a method to be supplemented by direct exposition. If this be admitted it seems doubtful whether the authors have been well advised in using so much case material. Less or very much more seem to the reviewer the only workable alternatives.

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LOCAL GOVERNMENT IN THE UNITED STATES. By HERMAN G. JAMES. New York: D. APPLETON AND CO. 1921. pp. xv, 482.

During the last two decades the literature dealing with the government of

American cities has become extensive; and recently considerable attention has been given to the study of the county, hitherto practically neglected. Heretofore, however, no attempt has been made to treat all the agencies of local government as parts of a "closely coördinated" whole. This is the task which Professor James has set for himself in the volume under review.

To enable the reader to make comparisons the first chapter is devoted to a brief sketch of local government in England and France. Another chapter outlines the origin and development of local government in the United States. The remainder of the book deals with the organization and functions of the county, and such subdivisions of the county as towns, townships, villages, and cities.

The most useful part of the book is that devoted to the government of counties. The author finds fault not only with the organization that prevails but also with the way in which the county performs its functions. He advocates the appointment of numerous officers who are at present elected. Those whose functions are wholly or largely concerned with the enforcement of state laws, such as the sheriff, the county attorney, the auditor, and the recorder he would have appointed and controlled by the state itself; others whose work is more distinctly local in character but which does not involve the determination of public policy, such as the treasurer, the clerk, and the surveyor he would have appointed by the county board of commissioners or supervisors. Few students of local government will deny the weight of the arguments in favor of these proposals of Professor James, doubtful as they may be as to the possibility of carrying out some of them in the face of the political opposition their mere suggestion arouses. The short ballot principle carried out in many of our cities and in some of the states has in general worked well and there is reason to believe that it would work equally well if applied to counties generally. However, there is such widespread opposition to what is called state interference that it is exceedingly doubtful if certain prominent county officers could be appointed by the state, theoretically desirable as that might be. Probably more adequate state supervision, possibly effected by some form of the state aid to counties is the most feasible plan for securing greater efficiency in county administration. The advantages of this expedient are brought out in the volume.

Professor James does not consider the county the best unit for local government. In view of the fact, however, that its abolition would do such violence to our traditions he would not only keep it but would make it a more vital institution of government by giving it more work to do and would enable it to do its work more effectively by changing its organization as indicated above. The township in the author's opinion "is in its very nature not adapted to the proper performance of the functions it now possesses or that might be conferred upon it." He would therefore abolish it entirely and distribute its functions between urban municipalities and the county. Probably but few readers of this book will live to witness the carrying out of this proposal.

Two chapters are devoted to city government, one dealing with organization and the other with functions. The latter is to a large extent an adaptation of the author's *Municipal Functions* (1917). Of course only a sketch of city government can be given in 125 pages.

The chapter on recent developments and tendencies treats chiefly the home rule movement for counties, state control over counties, and the problem of county and city consolidation. Although the last-mentioned subject would seem particularly important in a volume that seeks to treat the relations between all local governmental agencies it is not covered adequately in this volume. It is doubtful if the logical unity of local government which the author emphasizes in his preface has been shown to exist. Perhaps there is no such unity after all.

The arrangement of the book is satisfactory and it is generally accurate. Occasionally a slip may be detected, however. For example, Professor James writes:

"For a time it was not uncommon to find police boards in American cities in charge of this branch of city administration. But the necessity of centralization of control in the hands of a single person for a function like that of the police department has come to be so clearly recognized that the almost universal practice is to have a single official directly in charge" (p. 378).

It is true that the tendency at present is strongly in the direction of the single commissioner type of administrative organization in police departments, particularly in our larger cities, but it seems to be an overstatement of this tendency to say that this system is almost universal while such cities as St. Louis, Los Angeles, San Francisco, Milwaukee, Kansas City, Indianapolis, Providence, Atlanta, New Haven, Bridgeport, Hartford, Springfield, Mass., Wilmington, Waterbury, Manchester, Peoria, and Evansville still manage to get along with the board form of organization in their police departments.

The book is based mainly on secondary sources. A list of the more important books and pamphlets on the subjects of the several chapters is given to guide the student in further reading and investigation. A complete table of contents is included.

The author has performed a valuable service in bringing the materials on local government up to date. His book will meet a need long felt by teachers of American government.

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